

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DEAMUS TROY CASTERLINE

TDCJ-CID NO. 399472

v.

RICK THALER

§  
§  
§  
§  
§

C.A. NO. C-13-083

**OPINION DENYING MOTION FOR AN EVIDENTIARY HEARING**

Petitioner is a state prisoner currently incarcerated at the McConnell Unit in Beeville, Texas. Proceeding pro se, he filed this habeas corpus petition pursuant to 28 U.S.C. § 2254, challenging his denial of parole. (D.E. 1). Pending is petitioner's motion for a telephone conference. (D.E. 15).


Rule 8(a) of the Rules Governing Section 2254 Cases states that “[i]f the petition is not dismissed, the judge must review the answer, any transcripts and records of state-court proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted.” Rule 8(c) further requires that “[t]he judge must conduct the hearing as soon as practicable after giving the attorneys adequate time to investigate and prepare.” The Fifth Circuit has explained that “[a] hearing in a habeas proceeding is required only when, *inter alia*, the record reveals a genuine factual dispute.” Tague v. Puckett, 874 F.2d 1013, 1015 (5th Cir. 1989) (emphasis added); see also Murphy v. Johnson, 205 F.3d 809, 815-16 (5th Cir. 2000) (discussing the basis for an evidentiary hearing).

On March 8, 2013, he filed this federal habeas petition seeking to challenge the state court's decision. (D.E. 1). On April 5, 2013, this petition was summarily dismissed. See generally Casterline v. Thaler, No. C-13-083, 2013 WL 1403491 (S.D. Tex. Apr. 5, 2013)

(unpublished). Final judgment was entered that same day. (D.E. 10). On May 2, 2013, petitioner filed a motion to alter or amend judgment. (D.E. 14). In the pending motion, he argues for a telephone conference to address the issues raised in the motion to alter or amend judgment. (D.E. 15).

Because the motion to alter or amend judgment has been denied, it is ORDERED that petitioner's motion for a telephone conference, (D.E. 15), be DENIED.

ORDERED this 3rd day of May 2013.

  
BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE